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SUBJECT: ZAMBIA POST-ELECTION ROUNDUP

Refs: A) Lusaka 1452; B) Lusaka 1419

1. (U) Topics Covered:

- Parliamentary Elections
- New Minister and Deputy Minister
- Date set for by-election
- Election Petitions

Parliamentary Elections  
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1.2. (U) Ruling party Movement for Multi-party Democracy (MMD) candidates won the two parliamentary elections held in Lupososhi and Kabompo East constituencies, in Northern and North-Western Provinces, on October 26. The two elections were not held on September 28 as scheduled due to the deaths of two candidates - Reform Party's Elpidius Mweni for Lupososhi and MMD's Munenu Muneu for Kabompo East. Albert Mulonga won the Lupososhi seat for the MMD with 6,735 votes, beating his closest rival, Patriotic Front's Emmanuel Musonda who received 3,750 votes. Ronald Mukuma is the new MMD Member of Parliament representing Kabompo East. Mukuma polled 6,798 votes, beating his only rival, United Democratic Alliance (UDA) candidate Masela Sekeseke, who received 4,274 votes.

1.3. (SBU) Opposition parties alleged a number of electoral malpractices and other irregularities in both the Lupososhi and Kabompo East elections. Allegations included the use of government vehicles for campaign purposes, distribution of fertilizers and other farming inputs at give-away prices, distribution of foodstuffs and "chitenge" clothing materials, and promises of lofty developmental programs being initiated should the MMD candidate win. President Mwanawasa gave weight to some of these allegations when he announced Mulonga's appointment as Deputy Minister of Agriculture on October 30. Acknowledging that the people of Lupososhi had complained during the campaign that they were not receiving good quality fertilizers, the President ordered Mulonga to use his position in the Ministry to resolve the issue.

1.4. (SBU) Comment: The MMD's victory in the two elections does not come as a surprise. In elections with a narrow geographic focus, such as by-elections, the MMD is able to bring significant resources to support campaigns as the party in power. Nevertheless, Lupososhi has been a PF stronghold -- having elected PF's first Member of Parliament in December 2001 -- and the loss hurts the opposition party. In apparent recognition of the importance of the victory in Lupososhi, President Mwanawasa named the winner, Mulonga, to be the new Deputy Minister of Agriculture on October 30. Even with the loss of the Lupososhi seat, the PF's influence remains strong in Northern Province, which has provided it with parliamentary representatives from Kasama, Lukashya, Chilubi, Chinsali, Mpika, Kanchibiya, and Mfuwe constituencies.

New Minister Appointed  
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1.5. (U) On October 30, President Mwanawasa appointed Ronald Mukuma to be the new Minister of Labor and Social Security and Albert Mulonga

to be the new Deputy Minister of Agriculture, soon after both won parliamentary elections. Minister Mukuma served as the Permanent Secretary in the Ministry of Transport and Communication from

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1993-1998 and later as the Permanent Secretary for North-Western and Luapula Provinces. He ran for Parliament in 2001 as the MMD candidate from Kabompo East, but lost the election. He has spent the last five years working in the private sector in North-Western Province.

Date Set for Parliamentary by-election

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16. (U) The Electoral Commission of Zambia (ECZ) announced that a parliamentary by-election will be held on Thursday, December 7, 2006 in Liuwa constituency in Kalabo District, Western Province. The Liuwa seat fell vacant following the death of the MMD's David Kashweka, who died on October 3, 2006 -- four days after being elected. A number of MMD members have expressed interest in contesting the election on the MMD ticket, including Princess Nakatindi Wina, who recently lost her race in Lusaka's Kanyama constituency. The MMD National Executive Committee must decide who will represent the party in the elections by November 14, when nominations are due.

Election Petitions

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17. (U) A number of parliamentary candidates who did not win in the September 28 tripartite elections have filed petitions asking the Lusaka High Court to overturn election results and order new elections, or in some cases to order that votes be recounted. Some petitioners allege that winning candidates violated the electoral law during their campaigns and on Election Day. A few petitioners, including former Vice President Lupando Mwape, have challenged the

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procedures followed by the Electoral Commission of Zambia (ECZ), alleging that ECZ did not conduct a transparent vote count. Notable petitions include:

-- Former Vice President MMD's Lupando Mwape petitioned the court to order a recount in the election won by PF's Alfreda Mwamba in Lukashya constituency, Northern Province. In his petition, Mwape alleged that PF supporters interfered with the vote count and influenced the election results. Mwamba polled 12,422 votes while Mwape got 9,228 votes.

--Former MP from Nalikwanda constituency, Simasiku Kalumiana, who ran on the United Liberal Party ticket, challenged the parliamentary election of new Minister of Education, Geoffrey Lungwanga. In his petition asking that the election results be nullified, Kalumiana alleged that Lungwanga bribed voters during the campaign.

-- In Malole constituency in Northern Province, PF's Matildah Mutale withdrew her application to prevent Independent candidate Emmanuel Munaile from being sworn in as an MP, after the parties agreed that the ECZ erred when it declared Munaile the winner. The ECZ returning officer in the election acknowledged that a verification of the votes revealed that Mutale received 7,214 votes, to Munaile's 6,616. The High Court will consider the issue on November 3.

-- Former Chilanga MP Cosmas Moono of the United Democratic Alliance (UDA), together with PF's Priscilla Kamanga, petitioned the election won by MMD's Ng'andu Magande, reappointed as the Minister of Finance, in Chilanga constituency, Lusaka Province. The petition alleges that Magande improperly influenced voters during the campaign by purchasing water pumps for communities, buying food, drinks and livestock for voters, and in some cases, threatening voters. The petitioners asked the court to nullify the results of the election, in which Magande received 6,485 votes to Moono's 6,070 votes and Kamanga's 4,428 votes.

-- Former MMD Deputy Minister of Energy Simasiku Namakando petitioned the court to nullify the election of United Liberal Party

(ULP)'s Eileen Imbwaie in Lukulu West constituency, Western Province. Namakando alleged that Imbwaie wrongly told voters that he had been disqualified from running in the election and that she had used her supporters to intimidate voters, among other electoral violations. Imbwaie polled 3,400 votes, while Namakando received 3,354 votes.

-- UDA's former Kapoche MP, Charles Banda, who petitioned the election won by MMD Ministry of Community Development Deputy Minister Nicholas Banda in Kapoche constituency, Eastern Province. In asking the court to nullify the results of the election, Banda said that his opponent had intimidated voters and made false statements that damaged his reputation. Nicholas Banda polled 9,203 votes while Charles Banda received 7,920 votes.

-- Former MMD Minister of Community Development Stephen Manjata petitioned the election won by UDA's Josephine Mwiya Limata in Luampa constituency, Western Province. Manjata asked the court to nullify the election results, alleging that Limata had intimidated voters and also wrongly stated that Manjata had been disqualified from the race. Limata polled 6,169 votes, while Manjata received 5,363 votes.

Comment  
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18. (SBU) Election petitions are a routine part of Zambian politics and it is not surprising that the results in many parliamentary elections are being challenged. It is somewhat surprising that so many petitioners have chosen to argue that election results should be nullified rather than simply request a recount of votes. Based on the experience after the 2001 elections, petitioners are not likely to succeed in having a court overturn an election due to alleged violations of electoral law and the electoral code of conduct. On the other hand, tabulation discrepancies in a number of races raise questions about whether all votes were properly counted and reported (Reftels), and in the case of the election in Malole constituency discussed in paragraph 7, the ECZ admitted to mistakenly declaring the wrong candidate as the winner. If a candidate who requests a recount succeeds in having results overturned, other losing candidates basing claims on electoral law violations may rethink their appeal strategies.

MARTINEZ